DOCUMENT RESUME

ED 446 395 EA 030 701

TITLE	Public Policy & Charter Schools: Forging Thoughtful Policies To Advance Public Schooling across the United States.
INSTITUTION	Public School Forum of North Carolina, Raleigh.
SPONS AGENCY	Department of Education, Washington, DC.
PUB DATE	2000-01-00
NOTE	20p.
CONTRACT	SB970230006
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Charter Schools; *Educational Policy; *Educational Resources; Elementary Secondary Education; Institutional Cooperation; Interschool Communication; *Partnerships in Education; *Public Policy; Public Schools; School Support
IDENTIFIERS	*Project CONNECT

ABSTRACT

Supported by the U.S. Department of Education, Project Connect aimed to generate communication and cooperation among five charter schools and organizational partners in Florida, Georgia, Louisiana, North Carolina and South Carolina. The project facilitated meetings involving educational associations, businesses, policymakers, charter- school operators, faculty, and parents; performed site visitations; created newsletter and web sites; and convened meetings between public-school and charter-school officials. The project isolated 12 crucial public-policy issues appearing in the early stages of charter-school experimentation: (1) character of entities controlling charter granting; (2) adequate facilities support; (3) defining charter schools' 'fair share' of funds; (4) limiting numbers; (5) resolving differing points of view regarding teacher certification; (6) assessment and accountability protocols; (7) accountability standards applied to alternative schools; (8) the nature of the state's monitoring role; (9) achieving appropriate racial balance; (10) funding of state agency supports; (11) policy considerations commonly arising after legislation requiring amendments; and (12) fostering collaboration instead of competition with other public schools during implementation stages. (TEJ)

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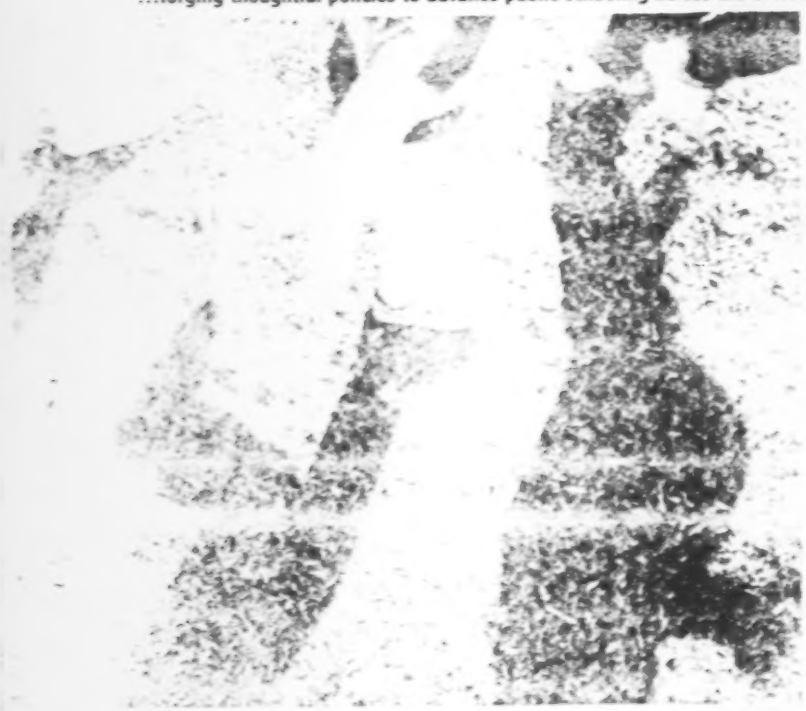
PUBLIC POLICY & CHARTER SCHOOLS

...forging thoughtful policies to advance public schooling across the United States



A report encompassing the conclusions of Project Connect, a five-state partnership funded by the Department of Education for a two-year period

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INTRODUCTION

Funded by the United States Department of Education (DOE) in 1997, Project Connect was one of a number of federal initiatives aimed at supporting charter schools as they began across the nation. The focus of Project Connect was to generate more communication and cooperation between charter schools and traditional public schools in the five-state area of Florida, Georgia, Louisiana, North Carolina and South Carolina.

Five organizations created a partnership and coordinated the work of Project Connect within their respective states. In Florida, the partner to Project Connect was Nova Southeastern University, an emerging regional and national center for charter schools. In Georgia, Louisiana and North Carolina the work was carried out by public policy centers that have been active in the school reform arena; those organizations were the Georgia Partnership for Excellence in Education, the Council for a Better Louisiana and the Public School Forum of North Carolina. In South Carolina, Project Connect was overseen by the South Carolina Chamber of Commerce's Education Department.

Project Connect Initiatives

For two years, the Project launched numerous initiatives aimed at supporting charter school experimentation and, more specifically, at opening up lines of dialogue and collaboration between charter schools, traditional public schools and state agencies. The project:

- Convened stakeholder meetings of educational associations, business organizations and policymakers to share with them information about charter schools and Project Connect.
- Sponsored or co-sponsored statewide meetings that brought charter school operators, faculty members and parents into contact with exemplary public schools, state education agency officials and others.
- Conducted site visitations at charter schools in an effort to better understand and be able to translate the charter movement to the public, educators, business leaders and policymakers.
- Issued a quarterly newsletter that tracked the growth of charter schools in the five-state region, discussed national trends and shared information about innovation and excellence in both traditional public schools and charter schools.
- Created a website to provide easy access to charter school resources and information and to network educators within the five-state area.
- Convened meetings within school systems in an effort to open up communication channels between traditional public schools and charter schools operating within their school system boundaries.

This publication is the final product of the two-year effort. It contains the conclusions the five partner organizations reached after two years of monitoring the growth of the charter movement in the southeast, visiting charter schools throughout the five states, working with policymakers as they grappled with second and third generation issues related to charter schools, and carefully studying the host of complex educational, legal and financial issues that the charter movement has spawned.

Five States... Five Stories

The evolution of charter schools within the five Project Connect states could not paint a more different picture of the charter school movement. Georgia, one of the Project states, was one of the first states to embrace charter schools, enacting its law in 1993. Six years later, while there are 34 charter schools in operation, only five of them are "start-up" charter schools. The rest are public schools that converted to charter school status because of increased flexibility granted to charter schools. For the first five years of charter schools in

OVERVIEW **Project Connect States: An Overview***

	REQUIRED % OF CERTIFIED TEACHERS	RACIAL BALANCE REQUIRED	CAPS	# OF APPROVED CHARTERS	START-UPS OR CONVERSIONS	CHARTERING ENTITIES	APPEAL PROCESS (SBE)	LEGISLATION APPROVED
FL	Certified &/or "qualified" instructors	None	28: 100,000+ students 20: 50-99,999 12: < 50,000	112	Both	LBE	Yes	1996
GA	None	None	None	34	Both	LBE	Mediation only	1993
LA	75%	None	42**	24	Both	LBE & SBE	Yes	1995
NC	75%: K-5 50%: 6-12	"Reasonably reflect" the school sys.	100	82	Both	LBE, SBE & University	Yes	1996
SC	75% in start-ups 90% in conversions	Within 10% of the school sys.	75	10	Both	LBE	Yes	1996

* As of 11/99 ** Cap will begin in 2005

NOTE: LBE stands for Local Board of Education; SBE stands for State Board of Education

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Georgia, the state had what was considered to be one of the most restrictive charter school laws in the nation. In 1998, the Georgia legislature amended the original bill to allow start-up charter schools to be run by independent groups. The first opened its doors this fall. Curbing expansion in Georgia, however, is a provision requiring local school board approval of all charter schools and it is unlikely there will be a dramatic expansion of start-up charter schools in the near future.

On the other end of the five-state spectrum is Florida. Florida's charter legislation is among the most permissive in the nation; in only three years, 112 charter schools have been approved and are operating. The scope of Florida's charter schools is breathtaking. Charter schools are housed within companies, like Ryder Truck Corporation, that see these schools as an employee-friendly benefit for employees. New charter schools are being built as an incentive to lure homeowners to newly developed suburban tracts. Under Florida's law, former private schools have converted to charter schools.

North Carolina's law is nearly as permissive as Florida's, and the growth of charter schools has been equally stunning. One charter school operates in a county jail serving prisoners who have not been graduated from high school. As in Florida, private schools have converted to charter school status. A charter school has been attached to a children's museum focusing on the world's economy. This fall, only three years after charter legislation passed, there are 76 charter schools serving children across North Carolina.

Louisiana and South Carolina have the fewest number of charter schools and, like Georgia, are considerably more restrictive in terms of charter approval. As the 1999 school year opened, there were 17 charter schools operating in Louisiana and 10 in South Carolina.

The chart (above right) on this page shows the explosion of charter school growth in the five-state area. When Project Connect began in 1997, charter legislation had recently been enacted in four of the five states – Florida, Louisiana, North Carolina and South Carolina.

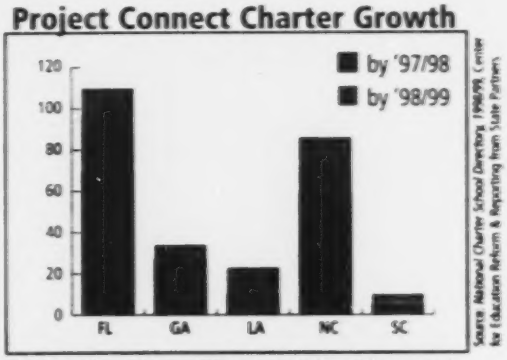
Nationwide, the growth of charter schools is equally dramatic. The first charter law was enacted in Minnesota in 1991. The first charter school opened its doors in 1993. Since that time, however, nearly 1,682 have been approved, and 350,000 young people are expected to be enrolled in charter schools by the end of the 1999-2000 school year.

Numbers, however, tell only a small, albeit an important, part of the charter school story. Charter schools have also opened up a virtual Pandora's box of public policy issues in each of the states. Charter schools have opened up serious policy debates about racial balance, busing, community schools, accountability and the value of/need for a system of public schools. It is those issues that will be examined in this briefing paper.

What follows is a discussion of public policy issues that extends across state boundaries. The partners to Project Connect have looked at the evolution in five very different states and isolated 12 public policy issues that appear to be at the heart of the start-up stage of charter school experimentation in the southeast and across the nation.

The observations that follow are offered to policymakers and state agency officials charged with implementing charter school legislation. They are offered in the hope that they can help states to avoid the mistakes of others and help policymakers forge thoughtful policies that advance public schooling across the United States.

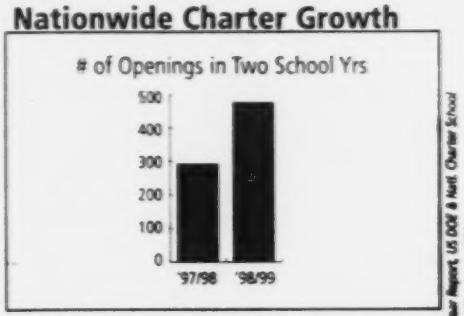
Project Connect Charter Growth

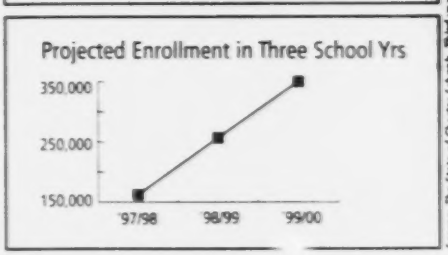


Source: National Charter School Directory, 1998/99, Center for Education Reform & Reporting from State Partners

When Project Connect began in 1997, legislation had recently been enacted in four of the five Project Connect states – Florida, Louisiana, North Carolina and South Carolina. The chart above illustrates what has happened during that two-year period. Numbers are as of September 1998 and 1999.

Nationwide Charter Growth





Source: The State of Charter Schools, Third-year Report, US DOE & Hall Charter School Directory, 1998/99, Center for Education Reform

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PUBLIC POLICY ISSUES

1 The Granting of Charters

Discussion

Which governmental entity, or entities, should be empowered to grant charter schools? Should exclusive veto power be given to local school boards which potentially stand to lose the most under a competitive system (*i.e.*, enrollment, dollars and resources); or, should other governmental bodies be empowered to overrule local school board rejections of charter applications?

The issue can be summed up very simply. In some states with charter legislation, policymakers opened the barn door to widespread charter school experimentation and competition; in others, they cracked the door very narrowly – so narrowly that some say the cards are stacked against would-be charter school operators.

The issue goes to the heart of the philosophy that led to charter school experimentation. The theory behind charter schools was that they would provide competition to traditional public schools thus forcing public schools to provide an educational product that customers would want or risk losing market share (*i.e.*, enrollment) to new charter schools.

The experience in the five Project Connect states illustrates the dramatic differences in how the charter experiment is playing out across the nation. In Florida, the barn door is wide open. Over 100 charter schools have come into existence in a period of three years. They are providing the parental choice and competition that charter school advocates envisioned.

In North Carolina, charter schools can by-pass local boards of education and appeal directly to the State Board of Education for approval. In 1996/97 less than 30% of applicants appealed directly to the State Board while this year over 80% appealed directly to the State Board.

In contrast, in South Carolina, where school boards have a monopoly on the granting of charters, only 10 have opened in the same time. In Louisiana, if a local school board denies an application, the chartering group can charter directly with the State Board. Thus 24 charters have been granted.

It is important to note that there are situations where local boards look favorably on charter school applications – the most common being where charter schools seek to enroll at-risk students, the kind of students many public schools are now assigning to alternative public schools. A good example of such a "niche" school that gained quick local approval can be found in North Carolina's Wake County. A highly popular, elected county sheriff proposed that a charter school be operated in the county jail for inmates who had not completed high school; the proposal gained quick approval. In the same county, a new children's museum that had garnered over $40 million of public and private funds proposed a charter school that would be attached to the museum. That proposal also gained school board approval. However, of the remaining 11 charter schools now approved in the county, 10 were granted their charters by the State Board of Education either through direct application or on appeal, not by the local school board.

To suppose that local boards of education would grant charters in large numbers is akin to expecting Hertz Rent-a-Car to agree to granting a franchise to an Avis Rent-a-Car in the same airport. Or for Burger King to agree to place a McDonald's next door. It is counter-intuitive to expect public schools to embrace charter schools other than those that fill a niche that is outside the bounds of the normal public school.

For states that have merely "cracked the door open," or in states where local school boards establish a record of opposition-at-all-costs to charter schools, there is the real possibility that instead of charter school legislation lessening pressure for more extreme choice options such as school vouchers, it may increase pressure.

Policy Considerations

- States that want to test the potential of charter schools should either grant multiple governmental entities the right to approve charters or they should give a body higher than local school boards the authority to overrule local school board rejections of sound charter applications.

- Public entities empowered to grant charters should also be expected to exercise prudent oversight and consider factors ranging from prior business and educational experience of charter operators, the soundness of the educational and financial plan and the feasibility of the charter's business plan.

- Different approaches are used toward multiple chartering bodies or appeal boards. The most commonly used approach is to make the State Board of Education the "court of last resort," either as the governmental agency to which charter applicants can apply directly or as the agency empowered to make final decisions, over-ruling, if needed, local decisions. Other states have given the ultimate authority to a newly created Charter School Commission or Board. Still others have given the authority to a variety of governmental agencies or boards, including institutions of higher learning.

- In states where local school boards have a virtual strangle hold on charter approval, there is the risk of a backlash. Instead of charter schools serving as a "pressure valve" to reduce the momentum for more extreme choice options, they may serve to prove that public bodies will not condone change unless change is forced upon them.

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2 Public Support for Charter School Facilities

Discussion

While charter school experimentation is portrayed as an experiment in which charter schools have the opportunity to prove that they can create more attractive choice options on an equal playing field, nothing could be further from the truth in most states – certainly not within the five Project Connect states. While costs related to school facilities, utilities and building maintenance are routinely paid for traditional public schools, charter schools must create quality alternative programs without equal funding for their school buildings and upkeep.

In all five Project Connect states, state government pays for all, or much of, the program costs related to education – teachers, books, technology and the like. When charter legislation was passed, policymakers in the five states went to great pains to ensure that equal state program dollars would flow to charter schools. They did not, however, make accommodations for facility and maintenance costs which are typically paid for by local government.

That is the situation in almost every one of the 31 states and the District of Columbia that now have children in charter schools. Subsequently, the most common reason that approved charter schools are unable to open their doors and an increasingly common reason for charter school failures is lack of funds for facilities and maintenance.

For policymakers, the issue poses a "Hobson's Choice": On the one hand, state government could give charter schools the equivalent of local funding to offset facilities costs, thus giving charter schools more state dollars than other public schools. On the other hand, state government could mandate that localities give charter schools their "fair share" of facility funding, creating what would be labeled an "unfunded mandate."

In the meantime, the disparity between charter school funding and traditional school funding is extreme. Using North Carolina as an example, the average local expenditure for capital costs (*i.e.*, costs related to facilities) was $587 per student. Thus, for a charter school with 200 students, the difference in funding between a charter school and other public schools is $117,400 per year.

As more and more charter schools open their doors, this issue is rapidly becoming the number one unresolved fiscal issue for charter schools. Two of the Project Connect states have come up with measures designed to ease the problem:

• Florida, the Project Connect state most hard-pressed to keep up with enrollment growth, created the School Infrastructure Thrift (S.I.T.) Fund, which provides schools with capital outlay funding. Because of the cost savings to the state and to school systems in which charter schools operate, the state gives districts half of what is saved per student and the district decides how much goes to the charter school. The money available includes $5,933 for elementary schools, $6,802 for middle schools and $9,002 for high schools. There are discrepancies across the state in how much school systems may give charter schools. For example, Dade County provides only 40% of the money to a charter school, whereas Seminole County provides 95%. The fate of S.I.T. funds reauthorization in unclear at this time.

In addition to the S.I.T. Funds, the Charter Capital Outlay Fund is based on "amortizing" the cost of capital construction over 30 years. An eligible charter school would receive 1/30th of the funds per year as long as they are open; this equals between $396 to $600 per student per year.

• Louisiana created a no-interest, three-year loan pool (up to $100,000) earmarked for charter school start-up and facility costs. The fund was designed to partially offset the inequity in facility funding. It should be noted, however, that the loan qualification requirements have been set so high that no charter school has yet received any of the earmarked funds.

In addition, new legislation enacted mandates that local school boards make available to chartering groups any vacant school facilities for lease or purchase at fair market value. For charter schools created as a result of a conversion, property within the school system must be made available under similar terms. If a facility was constructed at no cost to the school board, then it shall be provided to the charter school at no cost.

In the other Project Connect states, charter schools are operating at a distinct disadvantage. They are expected to create attractive, viable educational alternatives "on the cheap." State funds that flow exclusively into educational programming in traditional public schools must be spread out to cover facility and upkeep costs in charter schools.

Policy Considerations

• The premise of charter schools will never be tested fairly if charter schools are forced to assume the cost of facilities and upkeep within the same budget parameters public schools have for education programs alone.

• There is no easy public policy solution to this problem. State governments can either assume the cost of additional facility dollars localities shoulder for their public schools or mandate that localities give charter schools a fair share of facility dollars.

• The only other alternative is to look at halfway measures such as those adopted by Florida and Louisiana and provide some creative facility relief to charter schools.

• Short of that, policymakers should be candid and admit that today's charter school experiment places charter schools at a distinct economic disadvantage. They are under scrutiny to come up with quality alternative school choices for parents and young people while operating with considerably less funding.

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3 Defining the "Fair Share" for a Charter School

Discussion

Within the five-state Project Connect area, states were very precise in defining the amount of state aid that would flow to charter schools. However, many are far less precise in determining a "fair share" charter schools should receive from federal funds and even less precise than that in attempting to determine a "fair share" from local school funds.

In some states, that leaves charter schools in the unenviable position of having to negotiate with local schools over the amount of money they are entitled to; or, worse yet, they lose out on a fair share of federal funding that they should be receiving. That is especially true when it comes to federal programs such as the Eisenhower Professional Development Program.

Policy Considerations

- The more that the language in legislation can clearly define "intent" as it applies to defining a fair share of local funds and of federal education dollars, the less likely it is that charter schools and local public school officials will be at loggerheads over funding issues.

- State agencies can be of immeasurable help if they provide charter schools and local traditional schools a complete list of all federal programs for which charter schools might be eligible. Such a statement ensures that charter schools are aware of what is available and that local school officials know what funds must be shared with charter schools.

- For policymakers, attention to detail in this area can remove potential start-up clashes between charter schools and school officials while guaranteeing that charter schools are receiving all of the funds to which they are entitled.

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4 Limiting the Number of Charter Schools

issue FOUR

Discussion

An issue closely related to permissive or restrictive policies regarding the issuing of charters is whether policymakers should establish a limit or a "cap" on the number of charters that can be granted. A number of states, such as California, Massachusetts, Florida, Louisiana, Mississippi and North Carolina, have established numerical caps or limits on the number of charters that can be granted. Florida's cap is based upon a school system's size. Others, such as Mississippi, have established a limit on the number of charters within congressional districts.

The issue of limits has proven to be a heated one. Choice advocates argue that the primary reason for choice options like charter schools is to force public schools, through competition, to improve or lose market share. "How," they question, "can choice be tested if states only grant limited choice options, thus protecting schools from real competition?"

Advocates for limits on the number of charter schools typically respond by saying that they are being prudent and waiting to see if charter schools live up to their claims before throwing the "barn door" open to unlimited choice. "Time will tell," they argue.

Ironically, both sides point to the growing number of charter revocations to support their argument. In North Carolina, for instance, three charter schools have already had their charters revoked. Charter advocates, however, contend that charter revocation proves that the market place operates more efficiently. "When was the last time," they ask, "that a failing public school was forced to close its doors?" Limit advocates point to the same revocations and assert, "We are still in a shake-out mode and don't know how many of these schools can get up and running and stay in business over time."

Policy Considerations

- If policymakers opt to establish limits on the number of charter schools, issuing a well-thought out rationale at the same time limits are imposed is very important. The strongest such rationale would be based on the welfare of children. For instance, policymakers might want a reasonable period of time (*i.e.*, 3-5 years) to evaluate whether charter schools are serving students well, improving performance, and successfully managing the business side of operating schools.

- Experience in other states would also suggest that if limits are established, they should be set high enough that they will not be met quickly. In Massachusetts, the original charter legislation set 25 as a limit – that limit was quickly met, and policymakers were forced to increase the number. On the other hand, in North Carolina, the charter limit is set at 100 schools. After three years, only 82 charter schools have been approved; however, it is expected that the charter limit will be a major issue in the state's 2000 legislative session.

- It can be argued that setting limits on the number of charter schools that can operate in a given school system may be counterproductive. In states across the country, a large number of charter schools are opening up in urban settings, especially in urban settings in which public schools have low student performance, high drop-out rates and many incidents of school violence. Do policymakers want to "buffer" these types of systems from enrollment loss; or, are these the places in which parents and students would most take advantage of choice options?

- The issue takes one back to the philosophical basis for enacting charter legislation in the first place. If laws are enacted on the basis of providing parents with choice options, is it schizophrenic to, at the same time, buffer public schools from the possible negative consequences of enrollment loss?

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5 Teacher Certification Requirements

Discussion

Predictably, charter legislation that gives charter school operators latitude in hiring teachers who do not meet the state's teacher certification requirements has encountered a buzz saw of opposition from schools of education, teacher unions and associations representing school administrators. The result is a hodge-podge of legislation. Within the five states served by Project Connect, Georgia, for instance, has no state mandated certification requirement. North Carolina, on the other hand, requires that 75% of K-5 teachers be certified while requiring that only 50% of 6-12 teachers meet certification standards. Louisiana requires that 75% of all instructional staff must be certified. Typically, charter legislation grants charter schools relaxed standards on certification. The standards, however, vary enormously from state to state.

As with so many issues related to charter schools, one can argue either point of view. Advocates of relaxed standards point to well-regarded private schools that do not adhere to certification standards. They also return to a "free market" philosophy in which entrepreneurial schools would be able to bring in potentially talented people from any job pool – private industry, the military or recent college graduates – regardless of certification.

Proponents of certification standards cite the growing amount of research that implies teacher qualifications make a significant difference in the performance growth of students. Certification standard advocates argue that policymakers have an obligation to all young people, be they in charter or traditional public schools, to ensure that qualified teachers are teaching them.

Policy Considerations

- In many states, teacher shortages, either in particular regions or in certain subject areas, have resulted in lateral entry standards that have dramatically lessened the certification requirements for public schools. Especially in those states, it is difficult to consider holding charter schools to higher standards than those required of public schools.

- Because the average charter school is operating on fewer funds than the average public school *(i.e.*, the lack of facility funding; see earlier issue), it is not uncommon to find charter schools paying teacher wages that are less than those paid in traditional public schools. Subsequently, charter schools face another barrier to hiring fully certified teachers.

- That said, even within the partner organizations to Project Connect, there is not a consensus on the certification issue. Project Connect's partner organizations run the same continuum of opinions one finds throughout the country: one end of the continuum, some believe certification requirements should be waived altogether; on the other end, some believe that formal teacher preparation matters and that charter schools should be held to the same standards as other public schools.

- That division of opinion may reasonably lead policymakers to search for a compromise. Specifically, it is not surprising that most state charter laws have given charter schools latitude in meeting certification requirements; however, they have not dropped certification requirements altogether. While that middle ground may leave neither certification opponents nor proponents satisfied, it might provide policymakers a way to avoid an either/or decision on an issue that remains divisive.

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6 Assessment & Accountability

Discussion

As more states enact "high stakes" accountability plans and move toward ending "social promotion" policies, the issue of charter school accountability has increased in importance. Not surprisingly, the way in which charter schools are held accountable has been a hotly debated public policy issue since charter schools emerged.

Public school officials have insisted that charter schools be held to the same standards that public schools must meet to avoid "apples and oranges" comparisons. On the other hand, some charter school proponents argue that charter schools already operate under the greatest accountability weight of all; if unsuccessful, they will lose customers and be forced to close their doors. They contend that charter schools should be free to use an accountability instrument that best suits the school and its students.

In contrast to the divided opinions Project Connect partners had regarding teacher certification, there was unanimity when it came to accountability. All of the partners believe that charter schools should be held to the same standards as are other public schools, with one caveat: in states that use end-of-course tests at the high school level, there is little, if any, latitude on what curriculum must be taught at the high school level. Charter high schools, like other public high schools, must follow state curriculum guidelines or run the risk that their students, and school, perform dismally on the state's end-of-course tests.

In one of the Project Connect states, a charter operator is challenging the state's end-of-course testing requirements in high school. The newly granted charter high school mounting the challenge is arguing that they intend to teach history and other content areas entirely differently from the way one would teach it if following state guidelines. Such an approach may be beneficial for student understanding, but it almost guarantees that the school will end up on the state's "low-performing school" list.

At the elementary and middle school level, most state testing programs are testing the basics: mathematics, reading and language skills, and in some cases writing and computer literacy. In those states, it is reasonable to expect charter school students to be mastering the same foundation blocks as are students in other public schools. High school assessment, however, offers different challenges.

Policy Considerations

- As much as is practical, charter schools should be held to the same accountability standards as are other public schools. This gives the public an assurance that charter schools are being accountable; and it gives the public, policymakers and educators a fair standard of comparison.

- In states that require an "exit examination" for high school graduation, the high school assessment issue could be resolved quite easily by requiring charter school high school students to pass the exit examination, just as they would in other public high schools; however, other, more curriculum-specific end-of-course tests could be waived for charter schools.

- In states without a high school exit examination, accountability for high schools presents a dilemma. If a charter high school, for instance, sets out to use student SAT scores and college admission rates as its only basis of accountability, would that be a high-quality assessment standard? Policymakers need to approach secondary school assessment carefully.

- At least one state that grants financial rewards to faculties of high performing schools have successfully used the possibility of charter schools benefiting from financial rewards as an inducement or "carrot" to bring charter schools into the state's accountability program. Predictably, virtually all of the state's charter schools elected to come under the state's accountability program, thus becoming eligible for salary incentives.

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7 Accountability & Alternative Schools

Discussion

As more and more public school systems create alternative school settings for chronically misbehaving students or for those who do not respond to a traditional school setting, there is a growing debate about the accountability standards that should be used to measure student performance in these alternative settings. As one would expect, the majority of students served by alternative schools achieve at a much lower rate than their peers in normal school settings.

Because many of these students are potential high school drop outs, some alternative school principals view it as a major accomplishment if their students maintain good attendance records and make an effort during the school day. They would argue that, for whatever reason, students assigned to their buildings enter unable to perform close to their grade levels and that to use the same accountability standard as used with other children is simply expecting too much.

That argument, however, in today's era of more rigorous expectations sounds, to some, like "whining" or "making excuses." In the meantime, states that hold alternative schools to the same accountability standards as other schools have more and more alternative schools at, or near, the bottom on state performance rosters.

As an increasing number of charter schools come into existence with highly at-risk, underachieving young people as their target audience, the same predictable pattern of low test scores is emerging for many charter schools serving at-risk populations.

Policy Considerations

- Fortunately for policymakers, this is one of those rare situations in which charter schools serving at-risk youth and other alternative schools serving similar populations have the same dilemma and are in need of special consideration. When schools are serving or have been assigned young people who frequently are years behind other students in basic areas like reading and math, what type of accountability yardstick should be applied to them? Students unable to read at a high school level will predictably score lower than other students. Is it possible to blend accountability measures used in other schools with a variety of factors ranging from attendance to measurable growth in areas in which students require remediation?

- The Project Connect partners are in agreement that states need to find better alternatives than those currently being used. Those better alternatives would, on one hand, recognize that alternative schools are serving students who have been allowed to fall dangerously behind their peers and face challenges unlike those of other public high schools. On the other hand, better alternatives would not remove alternative or charter schools serving at-risk youth from accountability demands; instead, those demands would be tailored to measure the progress of highly at-risk youth.

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issue eight

8 The State's Role for Monitoring Charter Schools

Discussion

Within the five-state Project Connect area, there is wide variation in how aggressively states monitor charter school performance. In two of the five states, Louisiana and North Carolina, state agency staff provide close oversight on charter performance; in both states, universities have been contracted to study charter schools during their start-up phase. In Georgia, on the other hand, because all but five of the 34 charter schools are public school conversions, it has been largely "business as usual," with the charter school conversions falling under essentially the same oversight as would any other public school.

The state's oversight role is made more problematic because of the ambiguity of the status of charter schools. If, for instance, a charter school operating under a charter granted directly by the state, has students whose parents are upset for laxity in the school, who should they call? Local superintendents and school board members who did not approve a charter request predictably feel little, if any, ownership in the charter school. What is the state's role, and where could or should it intervene if complaints about the operation of a charter school begin to mount?

Even more problematic, how carefully should the state monitor charter schools, especially as they go through the difficult start-up period. State agency staff would typically have no reason to visit a newly opened public school building unless called for assistance. In the case of charter schools, however, should state agency staff conduct formal site visitations?

As with other policy issues in the charter arena, there are strong differences of opinion about the state's oversight role. As one would expect, pure choice advocates contend that the reason charter schools exist is to demonstrate what can be done when government rules and regulations are relaxed. Further, they would argue that charter schools should not be held to higher oversight standards than are other public schools. Finally, they would point out that, unlike other public schools, charter schools are held accountable by enrollment and results, not by government inspection.

On the other hand, advocates for regular state inspection contend that the state has an obligation to the public, to students and to parents to ensure that charter schools live up to their contracts, follow health and safety guidelines and operate in a financially responsible way. "Who will monitor charter schools, especially those granted their charters by State Boards of Education, if the state abdicates their role?" they would ask.

Policy Considerations

• Nationwide, charter schools that have had their charters revoked have typically fallen into financial difficulties; in a handful of instances those difficulties resulted from financial mismanagement. Because most charter schools are responsible for filing the same financial reports that other public schools file, the state is in a good position to monitor finances through normal procedures without being obtrusive.

• Some states are formally conducting site visits to charter schools. North Carolina, for instance, sends teams of four to charter schools and conducts visits that would be akin to an accreditation team process. North Carolina's state agency staff say that on-going assessment "provides an early warning system...If we see problems developing, we can pinpoint them and give charter schools a chance to improve before reaching a crisis point."

In at least one of the Project Connect states, agency staff visits serve a dual purpose – they enable the agency to build relationships with charter operators, as well as compile a statewide directory of charter schools.

• As noted earlier, two of the Project Connect states have contracted with universities to conduct long-term studies of charter schools. In those states, charter schools will be assessed through a variety of measures; however, neutral college researchers are conducting the assessment, not "government agents".

• For policymakers, the oversight issue presents a balancing problem. On one hand, how can state agencies ensure that public education dollars are being used responsibly and that young people are being well served? On the other hand, how can state agencies fulfill their oversight role without either holding charter schools to a higher standard than other schools or creating another layer of rules and regulations on schools that were to be freed from governmental red tape?

9 Racial Balance & Charter Schools

Discussion

To many, one of the most surprising charter school developments has been the response to charter schools within heavily minority communities. While charter school opponents predicted massive white flight to charter schools, just the opposite has occurred in locations around the country.

In retrospect, the response from minority communities should have been anticipated. Many minority young people are going to some of the most impoverished schools in the United States. In Project Connect states, that is often the case in rural, tobacco belt counties, the Mississippi Delta or in cities from New Orleans to Atlanta to Miami. Further, many minority students are enrolled in some of the nation's lowest performing schools and, in more extreme cases, some of the schools most likely to suffer incidents of school violence.

Additionally, one of the unintended consequences of high stakes accountability programs has been to cast a spotlight on low-performing schools. In several of the Project Connect states, the schools most likely to be labeled "low performing" or failing are likely to be serving large numbers of minority students located in low-income communities.

These factors have resulted in policymakers finding themselves in the awkward situation of being confronted with schools serving populations composed largely, or totally, of minority students while attempting to implement charter school laws requiring charter schools to reflect the racial balance of their communities.

In North Carolina, for instance, of the 59 charter schools operating in 1998-99, 31 were composed largely of minority young people. The State Board of Education now requires that charter schools be able to demonstrate that they have made a "good faith effort" to recruit students of all races; however, the issue is likely to remain on the public policy docket for some time.

In Louisiana, many of the state's school systems are still under the jurisdiction of the courts because of former litigation over racial balance. Local school boards in that state have argued that charter schools would upset delicate racial balances achieved over time. A recent court ruling on the issue, however, ruled that charter schools would not make a significant impact and rejected local board arguments.

Policy Considerations

- In states considering enacting charter legislation for the first time, language regarding racial balance should be given careful consideration in light of enrollment trends across the nation. There is a strong likelihood that charter schools will attract high numbers of minority students. Anticipating that, policymakers should carefully weigh the language and intent of legislation if racial balance provisions are included.

- The definition of phrases like "reasonably reflect" the racial balance of their community can create minefields, especially in racially divided communities in which white students tend to enroll in private academies while black students tend to enroll in public schools. Are charter schools to reflect the racial make-up of the total population, or are they to reflect the racial balance of the public school population? Legislative language and/or charter implementation policies should be as clear as possible in this area.

- What is perhaps most difficult for some policymakers to come to terms with, especially policymakers who have enacted or defended integration efforts over the years, is that minority parents in many areas are opting for choice when options are available. One can either view this as an indictment of failing public schools, or one can take a more optimistic view. Charter options that are giving minority parents hope may be seen as a triumph of a public system that is willing to experiment with school choice.

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10 Charters & State Agency Funding

Discussion

There is one great irony in the charter school movement. The movement that is portrayed as enabling charter schools to be freed of rules and regulations brings with it new governmental obligations and results in a host of new rules, regulations, policies and staffing demands within state agencies.

As states across the country are discovering, charter schools are labor intensive for state agencies – especially for agencies that opt to provide a full range of resources and services to charter schools.

In states that have created Charter School Commissions or Advisory Committees, staffing is required to enable the new entities to do their work. In states where State Boards of Education have the final authority to grant charter schools, staff is required to screen charter applications and business plans. In all states with charter schools, the financial departments of state agencies are required to define fair share, ensure that charter schools have information about and access to federal funding to which they are entitled and, most importantly, monitor financial practices of charter schools. Someone in the state agency must field questions from parents wanting to know how to create a charter school. Conversely, state agency staff will be asked to respond to parental complaints about charter schools. Last but not least, state agency staff will be required to assess charter schools as they near the end of the term of their charter and seek charter renewal.

In many respects, especially in states with permissive chartering policies, it is as if state agencies have been assigned to support and monitor a newly created, far-flung, decentralized, school system that reports directly to the state agency.

Policy Considerations

- Policymakers should anticipate the inevitable demands that charter legislation places on state agencies and provide additional resources that will be needed. States that enact permissive charter legislation will have the heaviest staffing and support demands.

- Once charter legislation is enacted, there is a host of implementation decisions and preparation that needs to be put in place – from application procedures, to explanatory material, to fair share decisions and much more. Ideally, state agencies should be given a reasonable amount of time to prepare before would-be charter operators are lined up at their door.

- Like other state agencies, the staffing demands on offices of charter schools will grow as does the number of charter schools. That is especially true in states with high stakes accountability plans that require conformity to state curriculum designs.

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11 Policy Considerations after Legislation is Enacted

Discussion

As most states have found, enacting charter legislation is one thing, implementing charter legislation is an entirely different thing. Most states have found it necessary to amend charter legislation, in some cases, almost annually through the start-up phase of charter schools.

Second-generation issues quickly come to the forefront. What has happened in several states, including those in the Project Connect network, is that no sooner has charter legislation been enacted than charter advocates begin lobbying for provisions to strengthen the charter process; on the other hand, charter opponents begin looking for ways to restrict charter schools or their impact.

Typical second-generation issues include:

- Proposed amendments to loosen/tighten charter regulation
- Proposed amendments to increase charter funding and/or buffer existing public schools from the negative economic impact of loss of enrollment
- Proposed amendments to tighten/loosen the definition of racial balance
- Proposed amendments to redefine charter accountability
- Proposed amendments to bring teachers under collective bargaining legislation
- Concern that if rules and regulations are tightened too much, then charter schools will not be any different than traditional public schools.

And the list goes on. The issues will vary state-by-state, but the lobbying around issues following the enactment of charter legislation is likely to be as intense as that which occurred when legislation was originally enacted. Legislative dynamics, however, change. Lawmakers who were intent on seeing charter legislation passed may have moved into other public positions or stepped out of public life. Once the initial interest in charter schools reached a peak, it may have fallen out of the public eye.

For policymakers who hope to give the charter school experiment a fair opportunity to succeed, the years immediately following passage of charter legislation are perhaps as important, if not more so, that the years preceding legislative enactment.

Policy Considerations

- States that have established balanced, respected Charter School Commissions or Advisory Boards may have created a policymaking check and balance that other states lack. For State Boards of Education, charter schools are merely one of a multitude of issues that must be dealt with. Commissions or Advisory Boards that have only charter schools as their focus can give charter schools their full attention and provide an expert sounding board when second generation issues arise.

- Other states have given support to the establishment of charter school resource centers designed to provide technical assistance to charter schools as well as to watch the policy arena for changes that could have an impact on charter schools. These centers ease the demand for technical assistance from state agencies and have the potential to be valuable sources of support for charter schools.

- One thing is certain. Enactment of charter legislation is only the first step for policymakers. Charter legislation, like the charter movement, is fragile in its early stages. Policy decisions made in the years following enactment of charter legislation will largely determine the long-term success or failure of charter experimentation.

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Issue Two 12 Collaboration or Competition with Traditional Public Schools

Discussion

The reason Project Connect came into existence was to spur collaboration and communication between charter schools and other public schools. After two years of observing the evolution of charter schools in five states and around the country, the Project Connect team's prognosis for the potential of charter schools and other public schools working and sharing together is, at best, cautiously optimistic.

At the moment, especially in states with permissive charter school legislation, public schools are feeling the impact of charter schools. The competition that the supporters of choice legislation hoped to see has materialized. Charters and other public schools are competing for "market share." Some public school systems, especially those with small, stagnant student populations are feeling the impact of lost resources that accompanies growth in charter school enrollment. Even in rapidly growing urban centers, public school systems are not unmindful of the proliferation of charter schools and are forced to look at the underlying reasons for charter growth and popularity.

What, then, are the results of the charter school movement? On one hand, there are noteworthy, albeit infrequent, examples of where innovation in charter schools is having an impact on other public school programs. There are, especially in states that are focusing on the dissemination of best practices related to student performance, examples of where charter schools are learning from other public schools.

For the most part, however, the impact of the charter movement is more subtle. More traditional public schools are focusing on customer satisfaction. They are getting more adept at telling "their story" to the public. They are more open to innovation.

However, they are, most of all, wary of charter schools. It is almost as if traditional public schools were going through the stages of grief: denial, anger and, reconciliation, though most remain suspended somewhere between denial and anger.

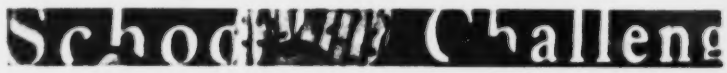
The partners to Project Connect, however, view this as a normal process. Public schools, for the first time in their existence, are threatened with competition. They, like many American businesses exposed to foreign competition, are adjusting.

Only time will tell the final impact of the charter school movement, but the partners to Project Connect believe that it will only be a matter of time before charter schools spur a "*fight for*" not a "*flight from*" quality. Just as America's private sector has proven its resiliency, its ability to bounce back in the face of foreign competition so might the public schools. It will, however, take time, as the discomfort that has been felt by American businesses is felt by public schools faced with charter school competition.

Policy Considerations

- In retrospect, it may have been naive to anticipate that the charter movement would result in collaboration between charter schools and other public schools. The premise of charter schools was that only competition would make the public schools more responsive to the public and more effective in delivering quality education. Competition rarely fosters collaboration, especially in the early stages of competition.

- For policymakers, the issue is not what happens in these first few years of the charter school experiment; rather, it is the impact of charter schools on the long haul of public education. After charter schools and public schools work their way through this early stage, will there be a coming together around the needs of children? That may be unlikely unless policymakers have a dual agenda of fostering improvement through competition while fostering improvement through collaboration.



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SUMMARY OBSERVATIONS

Collaboration Between Competitors Will Require Outside Intervention & Time

For the charter school experiment to have a large impact on other public schools, policymakers must create vehicles and intersection points that bring charter school operators together with traditional public school officials to ensure a cross flow of information and sharing. The history of school improvement is littered with good ideas that do not grow to large scale; with innovations that do not spread beyond the walls of one class or the confines of one building.

Dissemination and replication of best practices remains the Holy Grail of school improvement. However, collaboration, dissemination and replication between public schools has been minimal, at best, even when schools came under the lens of high stakes accountability scrutiny.

To expect charter schools and public schools to reach a level of collaboration rarely seen in the public school system is to expect too much without the intervention of policymakers. How can incentives to collaboration be created? How can policymakers ensure that what is happening in charter schools, or exemplary public schools, does not go unnoticed?

That may well be the litmus test through which the charter movement is assessed in years to come. It will do the country little good if a fraction of America's student and parent population are highly satisfied with charter school programs that do not reach beyond the walls of a charter school. Conversely, charter schools need not repeat the mistakes of public schools and there have been many.

Project Connect comes to an end believing essentially what it believed when it began. The charter school movement holds great promise for American education; however, it remains to be seen if the public school system has the capacity to embrace the growing array of differences between and within schools.

For policymakers, business leaders, parents and educators, the question is whether the triumph of the American public schools will turn out to be their capacity to embrace change and diversity. Or, will that same process of change and diversity prove to be a heavier burden than America's system of schooling is capable of carrying?

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This project has been funded, at least in part, with federal funds from the U.S. Department of Education under contract number SB970230006. The content of this publication does not necessarily reflect the views or policies of the U.S. Department of Education nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. government.

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